

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States of America

v.

Erasmio GRANILLO

Case No: 20mj1435

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of August 18, 2020 in the county of Luna in the State and District of New Mexico, the defendant violated 8 U.S.C. §1324(a)(1)(A)(ii)(Transporting), an offense described as follows:

engage in a conspiracy with others known and unknown to commit a violation of 8 USC 1324 (a)(1)(A)(ii)(Transporting), to wit: knowing or in reckless disregard of the fact that aliens, had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law

This criminal complaint is based on these facts:

On August 18, 2020, Deming, NM Border Patrol Agents (BPAs) were conducting roving duties on New Mexico State Road (NMSR) 9 east of Columbus, New Mexico in a blue unmarked government issued sedan. At approximately 12:00 p.m., BPAs observed a black Chevrolet Silverado with a distinctive brush guard heading westbound on NMSR 9, near mile marker 116. BPAs are familiar with this black Chevrolet Silverado as they have encountered the same vehicle on multiple occasions where it has been suspected of being involved in illicit criminal activities in the Deming, NM Area of Operation.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: August 20, 2020

City and state: Las Cruces, N.M.


Complainant's signature

Aaron Quinn, BORDER PATROL AGENT
Printed name and title


Judge's signature

STEPHAN M. VIDMAR
U.S. MAGISTRATE JUDGE
Printed name and title

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BPAs performed a U-turn and proceeded to drive westbound, towards Columbus, NM in an attempt to further investigate the black Chevrolet Silverado. At approximately 12:20 p.m., as BPAs were approaching Columbus, NM, they observed the same black Chevrolet Silverado heading back eastbound on POL Ranch Rd., a primitive ranch road that is primarily used by ranchers in the area. BPAs were unable to maintain visual of the black Chevrolet Silverado, as it continued into the ranching area of the Deming AOR. The suspected route of travel of the black Chevrolet Silverado is used as a means to circumvent the Deming, New Mexico United States Border Patrol Tactical Checkpoint on NMSR 11 located near mile marker 13. This route of travel ultimately leads to NMSR 549 where drivers carrying illicit cargo such as narcotics or illegal aliens are able to drive east where they can merge onto Interstate 10 or drive west into Deming, NM, furthering their illicit cargo undetected.

BPAs advised Deming Remote Video Surveillance Systems (RVSS) of this activity, and Deming RVSS relayed the information to all other BPAs working in the Deming AOR. Shortly after, a BPA assigned to roving duties near NMSR 549 advised that he observed the same black Chevrolet Silverado with a distinct brush guard pass his location and continued driving west on NMSR 549. BPAs responded to the area and observed the black Chevrolet Silverado with a distinct brush guard turn into the Thunder Lube Car Wash located in Deming, NM. BPAs 1 and 2 pulled into the car wash and positioned themselves behind the black Chevy Silverado exited their government issued vehicle and approached the driver of the black Chevrolet Silverado as the driver washed his vehicle. BPA 3 positioned his government issued vehicle near the front end of the black Chevy Silverado and approached the vehicle from the front passenger side. All BPAs identified themselves as United States Border Patrol Agents and questioned the driver as to his citizenship. The driver was identified as a United States Citizen, Erasmo GRANILLO (DOB: 10/13/1996), a suspected human trafficker operating in the Deming AOR. BPA 3 observed four passengers in the black Chevrolet Silverado and questioned each individually as to their citizenship and immigration status. All four passengers admitted to being citizens of countries other than the United States who were not in possession of documentation to enter or remain in the United States legally. BPA 1 took GRANILLO into custody and read GRANILLO his Miranda Rights via a Miranda rights pocket card, to which BPA 2 was a witness. All subjects were transported to the Deming, NM Border Patrol Station for further questioning and processing.

Driver Statement:

On August 18, 2020, BPA 2 and a Homeland Security Investigations (HSI) Special Agent (SA) conducted a post Miranda interview of Erasmo GRANILLO in reference to his involvement in the failed smuggling scheme. GRANILLO provided the following Post Miranda statement, although not verbatim:

GRANILLO stated that he circumvented the Border Patrol Checkpoint located on New Mexico State Road 11 (NMSR11) because Border Patrol Agents always give him a hard time at the checkpoint. GRANILLO then changed his story and expressed that he likes using dirt roads and drives a "Trail Boss" therefore he felt the need to use the back roads that circumvent the tactical checkpoint located on NMSR 11 near mile post 13. GRANILLO also admitted that in the process of circumventing the checkpoint, in one of the dirt roads, he ran into four males walking north on a road (unknown dirt road). GRANILLO added that he approached the four males and asked if they needed a ride to which the subjects allegedly agreed and got in GRANILLO's truck. GRANILLO further stated that he did not check for Immigration status, that he never asked for Immigration papers, because he does not have any Immigration authority. GRANILLO contradicted himself and explained that he asked for a form of identification and thought it was legitimate to be or remain in the US. GRANILLO kept taking the interview off topic evading the line of questioning with regards to the failed alien smuggling attempt.

GRANILLO was then questioned as to the encounter in the car wash and where he was planning to take the illegal aliens. GRANILLO stated that he was planning on dropping them off at an unknown restaurant in Deming. GRANILLO once again contradicted himself and stated that he would drop them off at the local Wal-Mart in Deming. GRANILLO admitted that he was aware that Border Patrol was looking for him because he was scanning Law Enforcement radio communications.

GRANILLO's interview was terminated due to the nebulous and conflicting off topic confessions.

MATERIAL WITNESS STATEMENT:

On August 18, 2020 BPAs conducted a post Miranda interview with a material witness, referred to as CO-CONSPIRATOR henceforth, concerning his involvement in the failed alien smuggling scheme. The CO-CONSPIRATOR provided the following statement, though not verbatim, as to his involvement in the smuggling scheme.

The CO-CONSPIRATOR stated that a week ago he arrived to Ciudad Juarez, using a bus line as transportation. The CO-CONSPIRATOR further stated that he approached an unknown person at a plaza somewhere in Juarez, asking if he knew how he could cross the border. The CO-CONSPIRATOR added that the unknown subject said he could cross him over the border. The CO-CONSPIRATOR stated that his brother in law who lives in the United States spoke to the unknown subject via cellphone and made the arrangements to pay the unknown subject for the CO-CONSPIRATOR to be smuggled into the United States. The CO-CONSPIRATOR is unsure how much his brother in law paid for him to get smuggled, but the unknown subject agreed to cross him. The CO-CONSPIRATOR stated that soon after hanging up with his brother in law, the unknown subject took the CO-CONSPIRATOR to a house where they picked up a few other people, got into a pickup truck and they were all taken to an unknown area. The CO-CONSPIRATOR stated that they must have traveled for about three hours, until arriving at an abandoned house somewhere in Mexico. The CO-CONSPIRATOR further stated that he and three other individuals stayed at that house for about two days. The CO-CONSPIRATOR added

that on the second day a different unknown man got to the house and told them to come out of the house and gave them instructions in order for them to cross the border successfully. The CO-CONSPIRATOR stated that the subject said to walk towards the border (US/Mexico) and to continue walking, until a black in color pick-up truck would arrive and pick them up to transport them further into the U.S. The CO-CONSPIRATOR stated that after many hours of walking a black in color pick-up truck pulled up beside them and unlocked the truck, therefore they got into the truck. The CO-CONSPIRATOR further added that the only thing the driver said was to buckle up as he sped up at a high rate of speed. The CO-CONSPIRATOR further added that they drove for approximately 30 minutes until arriving at a car wash in an unknown town to him. The CO-CONSPIRATOR claimed that the black truck made no stops and had no other encounters prior to arriving at the car wash in the unknown town. The CO-CONSPIRATOR also stated that soon after arriving at the car wash, the Border Patrol approached the vehicle and placed all occupants of the vehicle under arrest.

DISPOSITION:

Assistant United States Attorney (AUSA) Rene Camacho was presented with the facts of the case and approved to charge the driver, Erasmo GRANILLO with 8 USC 1324 Transporting. AUSA Rene Camacho also approved the detention of a CO-CONSPIRATOR as a Material Witness in an alien smuggling case.



Aaron Quinn

STEPHAN M. VIDMAR
U.S. MAGISTRATE JUDGE

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